

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cassidy Hayherst, an individual;
Dorothy Rehberg, an individual;
Nalini Mohabir, an individual;
Tekia Lewis, an individual; and
Maria Payette, an individual,

Civil No. 12-2526 (DWF/JJK)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Wal-Mart Stores, Inc., a Delaware corporation,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated May 28, 2013. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Jeffrey J. Keyes's May 28, 2013 Report and Recommendation (Doc. No. [35]) is **ADOPTED**.

2. Defendant's Motion to Dismiss Plaintiffs Tekia Lewis' and Cassidy Hayhurst's Claims with Prejudice (Doc. No. [24]), is **GRANTED IN PART** and **DENIED IN PART**.

3. Plaintiff Hayhurst's and Plaintiff Lewis' claims asserted in the Complaint (Doc. No. [1]), are **DISMISSED WITH PREJUDICE**.

4. Defendant's request to be awarded its costs and attorney's fees incurred in bringing the motion to dismiss dated April 3, 2013, and the motion to compel discovery dated February 13, 2013, is **DENIED**.

Dated: June 26, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge